

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

MERIAL LIMITED and MERIAL S.A.S

Plaintiffs,

v.

VELCERA, INC. and FIDOPHARM, INC.

Defendants.

Case No. 3:11-cv-00157-CDL

**PLAINTIFFS' MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIMS WITH PREJUDICE**

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, and for the reasons set forth in the accompanying Memorandum of Law, filed concurrently herewith, Plaintiffs Merial Limited and Merial S.A.S. (collectively, "Merial") respectfully move this Court to dismiss the Counterclaims of Defendants Velcera, Inc. and FidoPharm, Inc. with prejudice.

Respectfully submitted, this 4th day of January 2012.

s/Edward D. Tolley

Judy Jarecki-Black, Ph.D.
(judy.jarecki@merial.com)
Georgia Bar No. 801698
MERIAL LIMITED
3239 Satellite Blvd.
Duluth, Georgia 30096-4640
Tel.: (678) 638-3805
Fax: (678) 638-3350

Edward D. Tolley, Esq.
(etolley@mindspring.com)
Georgia Bar No. 714300
COOK, NOELL, TOLLEY & BATES LLP
304 East Washington Street
P.O. Box 1927
Athens, GA 30603-1927
Tel.: (706) 549-6111
Fax: (706) 548-0956

J. Patrick Elsevier, Ph. D.
(jpelsevier@jonesday.com)
Georgia Bar No. 246694
JONES DAY
12265 El Camino Real
Suite 200
San Diego, California 92130-4096
Tel.: (858) 314-1200
Fax.: (858) 314-1150

Frank G. Smith, III
(frank.smith@alston.com)
Georgia Bar No. 657550
Jason D. Rosenberg
(jason.rosenberg@alston.com)
Georgia Bar No. 510855
Kathryn W. Bina
(kitty.bina@alston.com)
Georgia Bar No. 956052
Matthew W. Howell
(matthew.howell@alston.com)
Georgia Bar No. 607080
ALSTON & BIRD LLP
One Atlantic Center
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Tel.: (404) 881-7000
Fax: (404) 881-7777

Counsel for Plaintiffs Merial Limited and Merial SAS

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CERTIFICATE OF SERVICE

I hereby certify that I have this date filed the foregoing MERIAL'S MOTION TO DISMISS DEFENDANTS' COUNTERCLAIMS WITH PREJUDICE, via the Court's CM/ECF system, which will automatically give notice to all counsel of record.

This 4th day of January, 2012.

s/Edward D. Tolley
Edward D. Tolley, Esq.
Georgia Bar No. 714300
COOK, NOELL, TOLLEY & BATES LLP
304 East Washington Street
P.O. Box 1927
Athens, GA 30603-1927
Tel.: (706) 549-6111
Fax: (706) 548-0956
etolley@mindspring.com